

05-11-05

CofC

09/659737

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Certificate**
MAY 18 2005**of Correction**

Patent No.: 6,861,239

Issued: March 1, 2005

In the Name of: Blumenberg *et al.*

Atty. Docket No.: PFI-024US / 71369.172US

Title: **Genes and Polynucleotides Associated With Ultraviolet Radiation-Mediated Skin Damage and uses Thereof****CERTIFICATION UNDER 37 C.F.R. § 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to:
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Rochelle Capobianco

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Commissioner for Patents

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Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.322

Sir:

The attached Certificate of Correction is made under 37 C.F.R. § 1.322 and is respectfully requested to be issued under 35 U.S.C. § 254.

This Certificate of Correction requests the addition of several references that were considered by the USPTO (*see, Attachment A*), but were not printed in the "References Cited" section of the patent. The error to be corrected is described in detail on the enclosed PTO Form 1050. Applicants respectfully request that the attached Certificate of Correction be issued.

No fees are due in this matter; however, if any fees are due, please charge Deposit Account No. 08-0219.

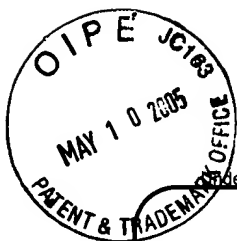
Respectfully submitted,

Dated: May 10, 2005

Ann-Louise Kerner, Ph.D.

Registration No. 33,523

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	Patent No. 6,861,239
	Filing Date	09/11/2000
	First Named Inventor	Blumenberg, et al.
	Art Unit	1652
	Examiner Name	Maryam Monshipouri
Total Number of Pages in This Submission	Attorney Docket Number	71369.172/PFI-024US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Wilmer Cutler Pickering Hale and Dorr LLP	
Signature		
Printed name	Ann-Louise Kerner, Ph.D.	
Date	05/10/2005	Reg. No. 33,523

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
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Typed or printed name	Rochelle Capobianco	Date	05/10/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,861,239
DATED : 02/08/2005
INVENTOR(S) : Blumenberg et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Please add the following patents to section (56) entitled "U.S. Patent Documents" of the patent:

-- 5,908,836	06/1999	Bar-Shalom.....	514/53
5,916,880	06/1999	Bar-Shalom.....	514/53
5,939,457	08/1999	Miser.....	514/557
5,939,082	08/1999	Oblong.....	424/401
5,962,534	10/1999	Gudas.....	514/690--

Please add the following references to section (56) entitled "Other Publications" of the patent:

--Zhuang et al., "Molecular Mechanism of Ultraviolet-Induced Keratinocyte Apoptosis," Journal of Interferon and Cytokine Research, vol. 20, 2000, pp 445-454.

Assefa et al., "Differential Stimulation of ERK and JNK Activities by Ultraviolet B Irradiation and Epidermal Growth Factor in Human Keratinocytes," vol. 108, no. 6, June 1997, pp 886-890.

Kligman et al., "The Nature of Photoaging: Its Prevention and Repair," Photodermatology, vol. 3, 1986, pp 215-227.

Lavker et al., "Aged Skin: A Study by Light, Transmission Electron, and Scanning Electron Microscopy," The Journal of Investigative Dermatology, vol. 88, no. 3, 1987, 44s-51s.

Lavker et al., "Structural Alterations in Exposed and Unexposed Aged Skin," The Journal of Investigative Dermatology, vol. 73, no. 1, pp 59-66.

Gilchrest, "Skin and Aging Process," 1984, CRC Press, Inc.

Derijard et al., "JNK1: A Protein Kinase Stimulated by UV Light and Ha-Ras that Binds and Phosphorylates the c-Jun Activation Domain," Cell, vol. 76, March 25, 1994, pp 1025-1037.

Kyriakis et al., "The Stress-Activated Protein Kinase Subfamily of c-Jun Kinases," Nature, vol. 369, May 12, 1994, pp 156-160.

Rosette et al., "Ultraviolet Light and Osmotic Stress: Activation of the JNK Cascade Through Multiple Growth Factor and Cytokine Receptors," Science, vol. 274, Issue 5290, Nov. 15, 1996, pp 1194-1197.

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PATENT NO. 6,861,239

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PATENT NO : 6,861,239
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INVENTOR(S) : Blumenberg et al.

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Cavigelli et al., "The Tumor Promoter Arsenite Stimulates AP-1 Activity by Inhibiting a JNK Phosphatase," EMBO J. vol. 15, no. 22, 1996, pp 6269-6279.
Kallunki et al., "c-Jun Can Recruit JNK to Phosphorylate Dimerization Partners via Specific Docking Interactions," Cell, vol. 87, November 29, 1996, pp 929-939.
Fanger et al., "MEKKs, GCKs, MLKs, PAKs, TAKs and Tpls: Upstream Regulators of the c-Jun Amino Terminal Kinases," Oncogenes and Cell Proliferation, pp 67-74.
Devary et al., "NFkB Activation by Ultraviolet Light Not Dependent on a Nuclear Signal," Science, vo. 261, September 10, 1993, pp 1441-1445.
Simon et al., "UVB Light Induces NFkB Activity Independently From Chromosomal DNA Damage in Cell-Free Cytosolic Extracts," The Society for Investigative Dermatology, vol. 102, no. 4, April 1994, pp 422-427.
Li et al., "Ionizing Radiation and Short Wavelength UV Activate NFkB Through Two Distinct Mechanisms," Proc. Natl. Acad. Sci. USA, vol. 95, Issue 22, October 27, 1998, pp 13012-13017.
Garmyn et al., "Immediate and Delayed Molecular Response of Human Keratinocytes to Solar-Stimulated Irradiation," Laboratory Investigation, vol. 65, no. 4, 1991, pp 471-478.
Abts et al., "Analysis of UVB-modulated Gene Expression in Human Keratinocytes by mRNA Differential Display Polymerase Chain Reaction," Photochemistry and Photobiology, vol. 66, no. 3, 1997, pp 363-367.
Eller, "Photodamage," Blackwell, 1995, pp 26-56.
Lockhart et al., "Expression Monitoring by Hybridization to High-Density Oligonucleotide Arrays," Nature Biotechnology, vol. 14, December 1996, pp 1675-1680.
Johnston et al., "Gene Chips: Array of Hope for Understanding Gene Regulation," Current Biology, vol. 8, 1998, pp R171-R174.
Scherf et al., "A Gene Expression Database for the Molecular Pharmacology of Cancer," Nature Genetics, vol. 24, March 2000, pp 236-244.
Ross et al., "Systematic Variation in Gene Expression Patterns in Human Cancer Cell Lines," Nature Genetics, vol. 24, March 2000, pp 227-235.

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PATENT NO : 6,861,239
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INVENTOR(S) : Blumenberg et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Welford et al., "Detection of Differentially Expressed Genes in Primary Tumor Tissues Using Representational Difference Analysis Coupled to Microarray Hybridization," Nucleic Acids Research, vo. 26, no. 12, 1998, pp 3059-3065.

Alon et al., "Broad Patterns of Gene Expression Revealed by Clustering Analysis of Tumor and Normal Colon Tissues Probed by Oligonucleotide Arrays," Proc. Natl. Acad. Sci. USA, vol. 96, issue 12, June 8, 1999, pp 6745-6750.

Golub et al., "Molecular Classification of Cancer: Class Discovery and Class Prediction by Gene Expression Monitoring," Science, vol. 286, October 15, 1999, pp 531-537.

Fambrough et al., "Diverse Signaling Pathways Activated by Growth Factor Receptors Induce Broadly Overlapping, Rather Than Independent Sets of Genes," Cell vol. 97, June 11, 1999, pp 727-741.

Galitski et al., "Ploidy Regulation of Gene Expression," Science, vol. 285, July 9, 1999, pp 251-253.

Lee et al., "Gene Expression Profile of Aging and its Retardation by Caloric Restriction," Science, vol. 285, August 27, 1999, pp. 1390-1392.

Ly et al., "Mitotic Misregulation and Human Aging," Science, vol. 287, March 31, 2000, pp 2486-2492.

Harkin et al., "Induction of GADD45 and JNK/SAPK-Dependent Apoptosis Following Inducible Expression of BRCA1," Cell, vol. 97, May 28, 1999, pp 575-586.

Jelinsky et al., "Global Response of Saccharomyces cerevisiae to an Alkylating Agent," Proc. Natl. Acad. Sci. USA. vol. 96, issue 4, February 16, 1999, pp 1486-1491.

Kligman et al., "Photoaging," Fitzpatrick's Dermatology in Medicine, 1999, McGraw Hill, pp 1717-1721.

Bennett et al., Geneseq Database, Accession No. AAT03098, February 1996.--

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PATENT NO. 6,861,239

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U.S. Patent No. 6,861,239
Our Ref. No.: PFI-024US / 71369.172US

ATTACHMENT A

A copy of the Ids initialed by the Examiner in the application that resulted in the above-referenced patent, as well as a copy of a page of the first Office Action in this case citing the Bennett *et al.* reference.

Subt. For PTO-1449

Docket Number

71369.172

Application Number

09659,737

INFORMATION DISCLOSURE
IN AN APPLICATION

MAR 1 2002

Use several sheets if necessary

MAR 15 2002

Applicant
Blumenberg

Filing Date

September 11, 2000

Group Art Unit

1652

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U.S. Patent Documents

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
R.R.	5,908,836	Jun 1, 1999	Bar-Shalom et al.	514	53	Jun 5, 1995
R.R.	5,916,880	Jun 29, 1999	Bar-Shalom et al.	514	53	Jun 5, 1995
R.R.	5,939,457	Aug 17, 1999	Miser	514	557	Oct 24, 1997
R.R.	5,939,082	Aug 17, 1999	Oblong et al.	424	401	Apr 11, 1997
R.R.	5,962,534	Oct 5, 1999	Gudas et al.	514	690	Jul 3, 1997

Foreign Patent Documents

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

Other Documents (Including Author, Title, Date Pertinent Pages, Etc.)

AA	Latkowski et al., "Epidermal Cell Kinetics, Epidermal Differentiation, and Keratinization," Fitzpatrick's Dermatology in Medicine (book) 1999 McGraw-Hill pp 133-144
AB	Hartley et al., "The Mammalian UV Response: Mechanism of DNA Damage Induced Gene Expression," Advan. Enzyme Regul. Vol. 34, 1995, 381-395
AC	Ulrich et al., "The Role of Cytokines in UV-Induced Systemic Immune Suppression," Journal of Dermatological Science, Vol. 29, 2000 Abstract
AD	Quitt et al., "Temporal Events in Skin Injury and the Early Adaptive Responses in Ultraviolet-Irradiated Mouse Skin," American Journal of Pathology, vol. 156, No. 1, January 2000, pp 201-207
AE	Beissart et al., "Mechanisms Involved in Ultraviolet Light-Induced Immunosuppression," J. Invest. Dermatol. Symp. Proc. Vol. 4, No. 1, pp 61-63
R.R.	Zhuang et al., "Molecular Mechanism of Ultraviolet-Induced Keratinocyte Apoptosis," Journal of Interferon and Cytokine Research, Vol. 20, 2000, pp 445-454
R.R.	Assefa et al., "Differential Stimulation of ERK and JNK Activities by Ultraviolet B Irradiation and Epidermal Growth Factor in Human Keratinocytes," Vol. 108, No. 6, June 1997, pp 886-890 <i>Journal of Investigative Dermatology</i>

EXAMINER

R. Manshi

DATE CONSIDERED

12/19/2002

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INFORMATION DISCLOSURE IN AN APPLICATION

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MAR 15 2002

Docket No.

71369.172

Application Number

09659,737

Applicant

Blumenberg

Filing Date

September 11, 2000

Group Art Unit

1636 1652

U.S. Patent Documents

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Foreign Patent Documents

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

Other Documents (including Author, Title, Date Pertinent Pages, Etc.)

R.R.	AH	Kligman et al., "The Nature of Photoaging: Its Prevention and Repair," Photodermatology, Vol. 3, 1986, pp 215-227
R.R.	AI	Lavker et al., "Aged Skin: A Study by Light, Transmission Electron, and Scanning Electron Microscopy," The Journal of Investigative Dermatology, Vol. 88, No. 3, 1987
R.R.	AJ	Lavker et al., "Structural Alterations in Exposed and Unexposed Aged Skin," The Journal of Investigative Dermatology, Vol. 73, No. 1, pp 59-66
R.R.	AK	Gilchrest, "Skin and Aging Process" (Book) Copyright 1984 by CRC Press, Inc.
R.R.	AL	Derjard et al., "JNK1: A Protein Kinase Stimulated by UV Light and Ha-Ras That Binds and Phosphorylates the c-Jun Activation Domain," Cell, Vol. 76, pp 1025-1037, March 25, 1994
R.R.	AM	Kyriakis et al., "The Stress-Activated Protein Kinase Subfamily of c-Jun Kinases," Nature, Vol. 369, pp 156-160, May 12, 1994
R.R.	AN	Rosette et al., "Ultraviolet Light and Osmotic Stress: Activation of the JNK Cascade Through Multiple Growth Factor and Cytokine Receptors," Science, Vol. 274, Issue 5290, Nov. 15, 1996, pp 1194-1197
R.R.	AO	Cavigelli et al., "The Tumor Promoter Arsenite Stimulates AP-1 Activity by Inhibiting a JNK Phosphatase," The EMBO Journal, Vol. 15, No. 22, pp. 6269-6279, 1996
R.R.	AP	Kallunki et al., "c-Jun Can Recruit JNK to Phosphorylate Dimerization Partners via Specific Docking Interactions," Cell, Vol. 87, pp 929-939, November 29, 1996
R.R.	AQ	Fanger et al., "MEKKs, GCKs, MLKs, PAKs, TAKs and Tplis: Upstream Regulators of the c-Jun Amino-Terminal Kinases," Oncogenes and Cell Proliferation, pp 67-74

EXAMINER

R. P. Pionchik

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INFORMATION DISCLOSURE IN AN APPLICATION

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Docket Number

71369.172

Application Number

09659,737

Applicant
Blumenberg

Filing Date

September 11, 2000

Group Art Unit

1652-4636

U.S. Patent Documents

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

Foreign Patent Documents

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

Other Documents (Including Author, Title, Date Pertinent Pages, Etc.)

re. re.	AR	Devary et al., "NK- κ B Activation by Ultraviolet Light Not Dependent on a Nuclear Signal," Science, Vol. 261, Sept 10, 1993, pp 1441-1445
re. re.	AS	Simon et al., "UVB Light Induces Nuclear Factor κ B (NF κ B) Activity Independently From Chromosomal DNA Damage in Cell-Free Cytosolic Extracts," The Society for Investigative Dermatology, Vol. 102, No. 4, Apr. 1994, pp 422-427
—	AT	Barnes et al., "Mechanisms of Disease," The New England Journal of Medicine, Vol. 336, No. 15, Apr. 10, 1997, pp 1066-1071
re. re.	AU	U et al., "Ionizing Radiation and Short Wavelength UV Activate NF- κ B Through Two Distinct Mechanisms," Proceedings of the National Academy of Science of the United States of America, Vol. 95, Issue 22, Oct 27, 1998, pp 13012-13017
re. re.	AV	Garmyn et al., "Immediate and Delayed Molecular Response of Human Keratinocytes to Solar-Simulated Irradiation," Laboratory Investigation, Vol. 65, No. 4, 1991, pp 471-478
re. re.	AW	Abts et al., "Analysis of UVB-modulated Gene Expression in Human Keratinocytes by mRNA Differential Display Polymerase Chain Reaction," Photochemistry and Photobiology, Vol. 66, No. 3, 1997, pp 363-367
re. re.	AX	Eller, "Photodamage (book)" Blackwell Ed. 1995, pp 26-56
re. re.	AY	Lockhart et al., "Expression Monitoring by Hybridization to High-Density Oligonucleotide Arrays," Nature Biotechnology, Vol. 14, December 1996, pp 1675-1680
re. re.	AZ	Johnston et al., "Gene Chips: Array of Hope for Understanding Gene Regulation," Current Biology, Vol. 8, 1998, pp R171-R174
re. re.	B1	Scherf et al., "A Gene Expression Database for the Molecular Pharmacology of Cancer," Nature Genetics, Vol 24, March 2000, pp 236-244

EXAMINER

re. re.ashi

DATE CONSIDERED

12/19/2002

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INFORMATION DISCLOSURE
AN APPLICATION

Docket Number

71369.172

Application Number

09659,737

Applicant

Blumenberg

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						YES	NO

Other Documents (Including Author, Title, Date Pertinent Pages, Etc.)

re.re.	B2	Ross et al., "Systematic Variation in Gene Expression Patterns in Human Cancer Cell Lines," Nature Genetics, Vol. 24, March 2000, pp 227-235
re.re.	B3	Welford et al., "Detection of Differentially Expressed Genes in Primary Tumor Tissues Using Representational Differences Analysis Coupled to Microarray Hybridization," Nucleic Acids Research, Vol. 26, No. 12, 1998, 3059-3065
re.re.	B4	Alon et al., "Broad Patterns of Gene Expression Revealed by Clustering Analysis of Tumor and Normal Colon Tissues Probed by Oligonucleotide Arrays," Proceedings of the National Academy of Sciences of the United States of America, Vol. 96, Issue 12, June 8, 1999, pp 6745-6750
re.re.	B5	Golub et al., "Molecular Classification of Cancer: Class Discovery and Class Prediction by Gene Expression Monitoring," Science, Vol. 286, October 15, 1999, pp 531-537
re.re.	B6	Fambrough et al., "Diverse Signaling Pathways Activated by Growth Factor Receptors Induce Broadly Overlapping, Rather Than Independent, Sets of Genes, Cell, Vol. 97, June 11, 1999, pp 727-741
re.re.	B7	Galitski et al., "Ploidy Regulation of Gene Expression," Science, Vol. 285, July 9, 1999, pp 251-253
re.re.	B8	Lee et al., "Gene Expression Profile of Aging and Its Retardation by Caloric Restriction," Science, Vol. 285, August 27, 1999, pp 1390-1392
re.re.	B9	Ly et al., "Mitotic Misregulation and Human Aging," Science, Vol. 287, March 31, 2000, pp 2486-2492
re.re.	B10	Harkin et al., "Induction of GADD45 and JNK/SAPK-Dependent Apoptosis Following Inducible Expression of BRCA1," Cell, Vol. 97, May 28, 1999, pp 575-586
re.re.	B11	Jelinsky et al., "Global Response of Saccharomyces Cerevisiae to an Alkylating Agent," Proceedings of the National Academy of Sciences of the United States of America, Vol. 96, Issue 4, Feb 16, 1999, pp 1488-1491
re.re.	B12	Kligman et al., "Photoaging," Fitzpatrick's Dermatology in Medicine (book) 1999 McGraw Hill, pp 1717-1721

EXAMINER

R. R. R.

DATE CONSIDERED

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71369.172Application Number
09/659,737INFORMATION DISCLOSURE
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Applicant

Blumenberg et al.

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September 11, 2000

Group Art Unit

~~1630~~ 1652

Sheet

1

OF

1

U.S. Patent Documents

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
R.R.	5,854,043	Dec 29, 1998	Johnson	435	194	Oct 14, 1994

Foreign Patent Documents

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

Other Documents (Including Author, Title, Date Pertinent Pages, Etc.)

R.R.	B13	Diener et al., "Activation of the c-Jun N-terminal Kinase Pathway by a Novel Protein Kinase Related to Human Germinal Center Kinase," Proc. Nat. Acad. Sci., USA, Vol. 94, 1997, pp 9687-9692					
R.R.	B14	Tibbles et al., "The Stress-Activated Protein Kinase Pathways," Cellular and Molecular Life Sciences, Vol. 55, 1999, pp 1230-1254					

EXAMINER

R. Monshi

DATE CONSIDERED

12/19/2002

EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP § 609: Draw Line through citation if not conformance and not considered. Include copy with next communication to applicant.

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species (SEQ ID NO:1) is required, which is currently lacking in the specification. Therefore, one skilled in the art cannot reasonably conclude that the applicant had possession of the claimed invention at the time the instant application was filed.

Applicant is referred to the revised interim guidelines concerning compliance with the written description requirement of U.S.C. 112, first paragraph, published in the Official Gazette and also available at www.uspto.gov.

Claim Rejections - 35 USC § 102

7 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8 Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Bennett et al. (Geneseq Database, Accession No. AAT03098, Feb 1996). Bennett teaches a DNA sequence that has 43.9% identity to SEQ ID NO:1 and can be considered to be "homologous" to said sequence, prior to this invention.

Allowable Subject Matter

Claims 1-2, are allowed. This is because an isolated DNA molecule comprising a sequence capable of encoding SEQ ID NO:2 is free of prior art. Further the prior art does not teach or

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